

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-27 were pending in this application. Claims 11, 26, and 27 have been canceled. Claims 1, 3, 6, 7, 12, and 25 have been amended. Claims 1-10 and 12-25 are respectfully presented for reconsideration.

Applicants respectfully request entry of this amendment and reply because it is believed to place the application in condition for allowance.

Applicants appreciate the indication of allowable subject matter in claims 7-10, 12, 13, 23, and 24. Applicants have amended claim 7 to place it in independent form including all of the limitations of base claim 1 and intervening claim 6. Accordingly, Applicants submit that claims 7-10 are in allowable form. Applicants have decided not to place claims 12, 13, 23, and 24 in independent form at this time, because Applicants believe their respective base claims are allowable.

Claims 1-5, 14, 19, and 20 are rejected under 35 USC 102(b) as anticipated by Mason (USP 266,492). Applicants request withdrawal of this rejection for at least the following reasons.

Claim 1 has been amended to include the subject matter of canceled claim 11. Claim 1, as amended, defines an open top child swing “wherein the first and second hanger arms are movable between a hanging position, where the first and second hanger arms are positioned to engage the first and second hanger mounts, respectively, and a carrying position, where a portion of the first hanger arm is disposed adjacent to a portion of the second hanger arm so that the first and second hanger arms form a handle.” Mason does not teach or suggest an open top swing with hanger arms that can be moved to such a carrying position. For at least this reason, Applicants submit that claims 1-5, 14, 19, and 20 are not anticipated by Mason under 35 USC 102(b).

Claims 1, 6, 11, 15-18, and 25 are rejected under 35 USC 102(b) as anticipated by Sonner et al. (USP 6,386,986). Claim 11 has been canceled. Applicants request withdrawal of this rejection with respect to claims 1, 6, 15-18, and 25 for at least the following reason.

As mentioned above, claim 1, as amended, defines an open top swing wherein the first and second hanger arms are movable to “a carrying position, where a portion of the first hanger arm is disposed adjacent to a portion of the second hanger arm so that the first and second hanger arms form a handle.” When the first and second hanger arms are so positioned, a caregiver can pick up and carry the swing seat with one hand by the handle.

By comparison, Sonner et al. discloses a child support 20 that includes hanger arms 70a, 70b, but these hanger arms 70a, 70b are not movable to a carrying position to form a handle. The hanger arms 70a, 70b are pivotable between an upright, extended position, as shown in FIGS. 1-3, and a folded position, as shown in FIG. 5. The folded position of FIG. 5 shows the hanger arms 70a, 70b disposed as close as possible to each other. However, in this position, portions of the hanger arms 70a, 70b are not *disposed adjacent* to each other to *form a handle*. Moreover, Sonner et al. does not teach or suggest modifying the configuration or the placement of the hanger arms 70a, 70b on the child support 20 so that the hanger arms 70a, 70b could *form a handle*. The only suggestion for doing so would come from Applicants’ own disclosure. For at least this reason, Applicants submit that claims 1, 6, and 15-18 are not anticipated by Sonner et al. under 35 USC 102(b).

Claim 25, as amended, defines a child swing “wherein the first and second hanger arms are movable between a hanging position, where the first and second hanger arms are positioned to engage the first and second hanger mounts, respectively, and a carrying position, where a portion of the first hanger arm is disposed adjacent to a portion of the second hanger arm so that the first and second hanger arms form a handle.” For at least the same reason discussed above in connection with claim 1, Applicants submit that claim 25 is not anticipated by Sonner et al. under 35 USC 102(b).

Claims 21 and 22 are rejected under 35 USC 102(b) as anticipated by Pinch (USP 6,059,667). Applicants request withdrawal of this rejection for at least the following reason.

Claim 21 defines an open top swing that includes, among other things, “a battery pack to house batteries, the battery pack being removably mounted to one of the first and second housings.”

The Office Action states the Pinch discloses “a battery pack (534) to house batteries (536) inherently removably mounted to one of the first and second housings.” Applicants respectfully disagree. Battery pack 534 of Pinch is not removably mounted to a housing. As can be seen from the cross sections in FIGS. 10-12 of Pinch, battery pack 534 is formed as an integral part of housing 529; only batteries 536 are removable from the housing 529. For at least this reason, Applicants submit that claims 21 and 22 are not anticipated by Pinch under 35 USC 102(b).

Claims 26 and 27 are rejected under 35 USC 102(b) as anticipated by EP 1360917. Applicants have canceled claims 26 and 27. Accordingly, this rejection is moot.

Claims 19 and 20 are rejected under 35 USC 103(a) as unpatentable over Mason in view of Nix (USP 743,546). Even assuming, *arguendo*, that Nix provides the teachings asserted by the Office Action, that teaching fails to remedy the deficiency of Mason described above in regard to independent claim 1. For at least this reason, Applicants submit that claims 19 and 20 are not rendered obvious by Mason and Nix under 35 USC 103(a).

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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